

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R.B. Hutchison et al. Attorney Docket No.: ECHG116755
Application No.: 09/755657 Art Unit: 3687 / Confirmation No.: 6405
Filed: January 5, 2001 Examiner: A.J. Rudy
Title: METHOD AND APPARATUS FOR ORDERING GOODS,
SERVICES AND CONTENT OVER AN INTERNETWORK

RESPONSE AFTER NON-FINAL REJECTION

Seattle, Washington 98101

April 21, 2009

TO THE COMMISSIONER FOR PATENTS:

Applicants respectfully request that the above-identified application be re-examined.

The February 11, 2009, Office Action ("Office Action") rejected Claims 68 and 70-81, all of the claims remaining in this application, under 35 U.S.C. § 103(a) based on the teachings of U.S. Patent No. 5950172 (Klingman). Applicants respectfully disagree.

Pursuant to 37 C.F.R. § 1.111, and for the reasons set forth below, applicants respectfully request reconsideration and allowance of the pending claims. Prior to discussing in detail why applicants believe that all of the claims remaining in this application are allowable, a brief description of the disclosed subject matter and a brief description of the teachings of the cited and applied reference are provided. The following discussions of the disclosed subject matter and the cited and applied reference are not provided to define the scope or interpretation of any of the claims of this application. Instead, these discussions are provided solely to assist the U.S. Patent and Trademark Office in recognizing the differences between the pending claims and the cited reference, and should not be construed as limiting the claims.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Disclosed Subject Matter

Among other things, this application discloses a computer-readable medium having a plug-in component that contains program code for ordering a product from a plurality of computers and servers connected to form an internetwork. The plug-in component places an order for the product by establishing an internetwork communication link with a billing server that processes orders for products and obtaining from the billing server a transaction identification, which identifies the order for the product, and a premium telephone number for establishing a premium telephone number communication link with the billing server. Thereafter, the plug-in component disconnects the internetwork communication link with the billing server. After disconnecting the internetwork communication link with the billing server, the plug-in component uses the premium telephone number to establish the premium telephone number communication link with the billing server and identify a telephone communication billing entity to which the order for the product is to be billed. The plug-in component further transfers the order for the product to the billing server for processing and obtains access information from the billing server via the premium telephone number communication link, which is used to claim the ordered product.

U.S. Patent No. 5950172 (Klingman)

Klingman is directed to a secured electronic rating system. Among other things, Klingman discloses a try-before-buy method and apparatus, best illustrated in Figures 3 and 7 and described in Col. 13 and 14 beginning on line 37 of Col. 13. More specifically, the secured electronic rating system disclosed by Klingman includes a TRY path that extends from a user input device 30 through a telephone network 34 and an Internet transmission medium 36 to a TRY server 40. The TRY server has the capability of accessing demo files 42. This path allows a user to study product information and possibly download demo software. Besides product information, the potential customer may study the evaluation rating associated with the product, which is also provided by the TRY server (Col. 14, lines 24-30). If the respective purchaser

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

decides to purchase the product, the customer retrieves a "900" toll telephone number specified in the seller's product information. Thereafter, the prospective purchaser disconnects from the Internet if only one telephone line is available. If more than one telephone line is available, the customer may remain connected to the TRY server. Regardless of which action occurs, the prospective customer calls the 900 number and is connected to the seller's product BUY server 48. Thereafter, the buy transaction is completed (Col. 14, lines 31-55).

Argument

Claim 68, the only independent claim remaining in this application, reads as follows:

68. A computer-readable medium having a plug-in component containing program code for ordering a product from a plurality of computers and servers connected to form an internetwork, wherein the plug-in component places an order for the product by:

(a) establishing an internetwork communication link with a billing server that processes orders for products;

(b) obtaining from the billing server a transaction identification, which identifies the order for the product, and a premium telephone number for establishing a premium telephone number communication link with the billing server;

(c) disconnecting the internetwork communication link with the billing server;

(d) after disconnecting the internetwork communication link with the billing server, using the premium telephone number to:

(1) establish the premium telephone number communication link with the billing server; and

(2) identify a telephone communication billing entity to which the order for the product is to be billed;

(e) transferring the order for the product to the billing server for processing; and

(f) obtaining access information from the billing server via the premium telephone number communication link, which is used to claim the ordered product.

As noted above, Claim 68 was rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of Klingman. Applicants respectfully disagree. While Klingman does disclose establishing an Internet communication link, **the Internet communication link is not established with a billing server**, as recited in paragraph (a) of Claim 68. Rather, the Internet communication link is established with a TRY server. Klingman also does not disclose obtaining from the **billing server a transaction identification**, which identifies the order for the product, as recited in paragraph (b) of Claim 68. While Klingman does disclose obtaining a premium telephone number for establishing a premium telephone number communication with a BUY server, this information is not obtained from the BUY server. Rather, it is obtained from the TRY server. Thus, when considered in their entirety, the recitations of paragraph (b) of Claim 68 are also not taught or suggested by Klingman.

While Klingman does disclose disconnecting the Internet communication link with the TRY server before connecting to the BUY server, as noted, the disconnection is from the TRY server, not the BUY server. As a result, again, Klingman does not disclose or suggest the recitations of paragraph (c) of Claim 68. While Klingman does disclose, after disconnecting from the Internet communication link, using the premium telephone number to establish the premium telephone number communication link with the billing server, Klingman does not identify a telephone communication billing entity to which the order for the product is to be billed. Thus, the recitations contained in subparagraph (2) of paragraph (d) of Claim 68 are also not disclosed by Klingman, as far as applicants have been able to determine.

In summary, clearly, Klingman does not teach or even remotely suggest many of the recitations of Claim 68. As a result, applicants respectfully submit that Claim 68, and all of the claims dependent therefrom remaining in this application (70-81), are clearly allowable in view of the teachings of Klingman.

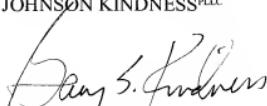
Applicants further submit that many of the dependent claims are allowable for reasons in addition to the reasons why Claim 68 is allowable. For example, Klingman does not disclose

transferring a transaction identification to a billing server to identify an order placed, as recited in paragraph (a) of Claim 70. Nor does Klingman disclose, teach, or suggest obtaining an access key from a billing server, wherein the access key is assigned to the order identified by the transaction identification, and wherein the access key is used to claim the ordered product, as recited in paragraph (b) of Claim 70. Klingman also does not disclose, teach, or suggest providing a transaction identification to a plug-in component once an internetwork communication link with the billing server is established by the plug-in component, as recited in paragraph (a) of Claim 71; or providing the access key to the plug-in component once the premium telephone communication link with the billing server is established by the plug-in component, as recited in paragraph (b) of Claim 71. While Klingman may describe encryption, the encryption does not meet the functional recitations of Claims 72 and 73. Many of the other dependent claims include recitations that are also clearly not disclosed, taught, or suggested by Klingman.

In summary, applicants respectfully submit that all of the claims remaining in this application are clearly allowable in view of the teachings of Klingman. Consequently, early and favorable action allowing these claims and passing this application to issue is respectfully solicited.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Gary S. Kindness
Registration No. 22,178
Direct Dial No. 206.695.1702

GSK:aew

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100